

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

LARRY CRAIG RIDDLE

PLAINTIFF

VERSUS

CAUSE NO. 1:18cv187-SA-DAS

CATERPILLAR INC.

DEFENDANT

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual damages and punitive damages for violation of the Americans with Disabilities Act, and to recover actual and liquidated damages for violation of the Family and Medical Leave Act. The following facts support this action:

1.

Plaintiff LARRY CRAIG RIDDLE is an adult resident citizen of 6 County Road 3402, Booneville, Mississippi 38829.

2.

Defendant CATERPILLAR INC. is an Illinois corporation. Defendant may be served with process upon its registered agent, C T Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232. At all relevant times, Defendant is an employer within the meaning of the Americans with Disabilities Act (“ADEA”), 29 U.S.C. § 629, and the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601.

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331, and for a cause of action arising under the Americans with Disabilities Act, 29 U.S.C. § 629, and the Family and Medical Leave Act, 29 U.S.C. § 2601, and under 29 U.S.C. § 1140.

4.

Plaintiff was employed by the Defendant for over twenty-nine (29) years, and worked as a supervisor for the last six (6) years of his employment.

5.

In August 2017, the Defendant moved Plaintiff from its Booneville facility to its Corinth facility. Thereafter, Defendant began to complain about Plaintiff's work, and Plaintiff explained to Defendant about the severe back problems and neuropathy in his feet. Plaintiff related that these health issues were causing him work problems. Defendant could have accommodated these work problems by allowing Plaintiff to use a golf cart, which Plaintiff had previously used. A golf cart would have decreased the amount of walking Plaintiff was doing, and allow him to properly do his job. Defendant, however, for no legitimate business reason, took the golf carts out of the facility, making them unavailable to Plaintiff.

6.

On or about October 18, 2017, Defendant discharged Plaintiff from his employment. At the time, Plaintiff had requested FMLA leave, and was in the process of having the necessary paperwork submitted so that he could go on FMLA leave. Plaintiff's discharged was caused by:

- A. Discrimination against Plaintiff by failing to accommodate his disability as required by the Americans with Disabilities Act;

- B. Failure to engage in an interactive process with Plaintiff in order to accommodate his disabilities; and
- C. Defendant's failure to honor Plaintiff's request for FMLA leave, and retaliation against Plaintiff because he had requested FMLA leave.

7.

If Plaintiff had been able to work an additional three (3) months, he would have been eligible for subsidized health insurance costs. If Plaintiff were not discharged in violation of the ADA, and if his discharge was not related to his request for leave under the FMLA, then, in that event, the sole cause of his discharge would have been Defendant's desire to escape subsidizing Plaintiff's health insurance. This violates 29 U.S.C. § 1140.

8.

Plaintiff has filed an EEOC charge, attached hereto as Exhibit "A," and has received the right to sue letter, attached hereto as Exhibit "B."

9.

Plaintiff has suffered mental anxiety and stress and lost income as a result of his discharge.

REQUEST FOR RELIEF

Plaintiff requests actual, punitive, and liquidated damages, in an amount to be determined by a jury, reinstatement, and reasonable attorneys' fees, costs, and expenses.

RESPECTFULLY SUBMITTED, this the 4th day of October, 2018.

LARRY CRAIG RIDDLE, Plaintiff

By: /s/ Jim Waide

Jim Waide, MS Bar No. 6857

waide@waidelaw.com

WAIDE & ASSOCIATES, P.A.

332 North Spring Street

Tupelo, MS 38804-3955

Post Office Box 1357

Tupelo, MS 38802-1357

(662) 842-7324 / Telephone

(662) 842-8056 / Facsimile

ATTORNEY FOR PLAINTIFF

STATE OF MISSISSIPPI

COUNTY OF LEE

PERSONALLY came and appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named LARRY CRAIG RIDDLE, who, after being first duly sworn, states under oath that the facts contained in the above and foregoing COMPLAINT are true and correct as stated therein.

Larry Craig Riddle
LARRY CRAIG RIDDLE

GIVEN under my hand and official seal of office on this the 4th day of October, 2018.

Shanna Cowsert Wright
NOTARY PUBLIC



My Commission Expires: July 1, 2022